

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

DAMON LAMONTE PETTY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:13CV00093 NAB
	)	
ROBERT LAGORE, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's post-dismissal motion for appointment of counsel on appeal. The motion will be denied.

There is no constitutional or statutory right to appointed counsel in civil cases, nor is there a right to appointed counsel in a civil case on appeal. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

The Court dismissed this action pursuant to 28 U.S.C. § 1915, finding that plaintiff had failed to state a claim upon which relief could be granted. The Court further found that an appeal of the dismissal would be taken in bad faith. As such, the Court finds that appointment of counsel is not warranted at this time.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [ECF No. 12] is **DENIED**.

So Ordered this 10th day of January, 2014.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is positioned above a horizontal line.

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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE